

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

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In the Matter of )  
Revision of Part 97 of the Rules )  
Governing the Amateur Radio )  
Services Concerning Granting of )  
Temporary Operating Privileges )  
with Appropriate Station )  
Identification )

JUL 29 1993

MAIL BRANCH  
RM-8288

PRELIMINARY COMMENTS

Submitted by: Frederick O. Maia, W5YI  
President, W5YI-VEC, Inc.  
President, The W5YI Group, Inc.  
Vice Chairman, NCVEC Question Pool Committee  
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Date: July 23, 1993

I. INTRODUCTION

1. Before the Federal Communications Commission (Commission) is a PETITION FOR RULE MAKING (Petition), filed by Raymond K. Adams, N4BAQ, Vice President and Treasurer of the Western Carolina Amateur Radio Society/VEC, Inc. (Petitioner), 5833 Clinton Highway, Suite 203, Knoxville, Tennessee 37912, requesting to:

a. authorize an unlicensed person who has completed the examination requirements<sup>1</sup> necessary for an amateur radio

1. The examination requirements for the five classes of amateur radio operator licenses are indicated in Title 47 CFR,

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operator license within the prior year to immediately begin using the frequency privileges of this license pending receipt of the license document from the Commission.

b. Such authorization would be based on the Certificate of Successful Completion of Examination<sup>2</sup> document (CSCE) which is routinely issued by the volunteer examiners (VEs) administering the prerequisite license examinations.

c. A self-assigned temporary station call sign would be used as station identification until such time as the Commission-issued operator license document and permanent call sign is received. This identification would consist of the prefix letters WZ followed by a geographical area numeral<sup>3</sup>, the first initials of the examinee's first, middle<sup>4</sup> and last name and a license class indicator<sup>5</sup>.

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Section §97.501(a) through (e).

2. The administering VEs must issue a CSCE to every examinee who scores a passing grade on an examination element. See §97.511(d). Section §97.9(b) provides for 365 days of temporary operation under the authority of a CSCE.

3. These geographical VEC Regions are contained in Appendix 2, of the Part 97 Amateur Radio Service rules. We believe the call sign geographical area numeral should be based on the examinee's mailing address. This policy would be consistent with the system used now by the Commission when a permanent station call sign is assigned.

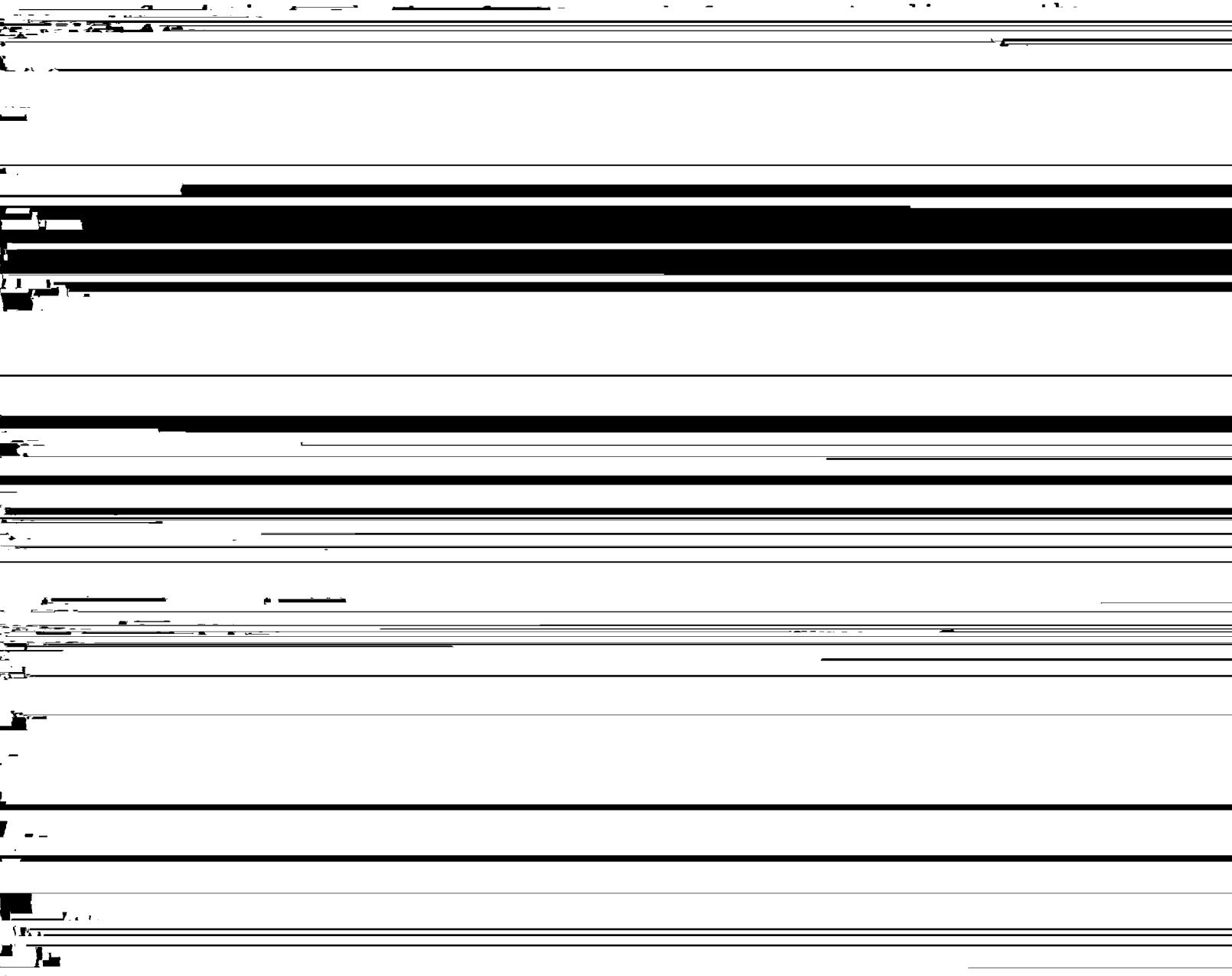
4. An examinee who did not have a middle name or initial would use the letter Z as the middle letter of their three letter call sign suffix.

2. The petitioner also suggests that the Commission may wish to consider inserting wording to preclude temporary operations by any person who has ever had an FCC-issued license suspended or revoked. We believe this suggestion has merit.

II.

COMMENTS

3. This petition seeks to correct a serious difficulty in the VEC System which examines the public on criterion needed to participate in amateur service operations. Fueled by the



5. A temporary operating procedure exists for amateurs who upgrade their license to immediately begin using their new frequency privileges<sup>6</sup>. There is no procedure at present, however, to permit the unlicensed examinee to begin using their newly earned privileges since they do not have a call sign with which to identify their station as required by the rules.

6. Due to the necessary delay incurred by VE processing and VEC application screening time, it can be anywhere from two to four weeks before the Form 610 application is submitted to the Commission's licensing facility in Gettysburg, PA.<sup>7</sup> The delay is further lengthened by Commission's lack of resources. The FCC simply does not have additional manpower needed to process the increased amateur service workload caused by the introduction of the Code-free Technician license. Thus it is not unusual for a three month period to occur between examination and receipt of an applicant's first call sign.

7. Most entry-level applicants are very eager to begin using their newly earned amateur service privileges. They can't go on

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6. A currently licensed amateur who has a commission-issued call sign may immediately begin using his/her new frequency privileges after passing the necessary examinations. (See §97.9(b))

7. The volunteer examiners must submit all successful applications to their VEC within 10 days of examination (§97.511(e)). The coordinating VEC must screen and forward all applications for qualified examinees within 10 days of their receipt from the administering VEs. (§97.519(b)). Thus, considering mail time, this delay can be as much as 30 days before FCC receipt in Gettysburg.

the amateur airwaves, however, until their operator license and station call sign arrives from the FCC. Their frustration mounts with every passing week and the end result is endless telephone calls to the VE team, VEC Office and the Commission's Gettysburg, PA licensing facility.

8. The FCC in Gettysburg has no record of a Form 610 Amateur Station/Operator application until the amateur operator license is issued. Applicants who are told by the FCC that they have "no record" of their application generally believe the application has yet to be filed with the Commission for license issuance. The result is more frustration ...and more telephone calls to the VE and VEC. These telephone calls are very expensive to the VEC (several of whom offer toll-free "800" service) and to the FCC in terms of manpower which must be diverted from other more important inquiries.

9. The VEs, VECs and the Commission all want to provide good service to the public and to new amateur radio operators who wish to begin their amateur operation as expeditiously as possible. A system of immediate authorized amateur operation would further the Commission's stated goal of wider use of telecommunications, improve service to the public, greatly decrease VE/VEC/FCC costs, provide for faster communications response such as needed for public service, emergency and disaster communications ...and would generally result in a happier, more productive amateur radio service, VEC System and FCC.

10. There are no legal obstacles to the Commission permitting immediate amateur operation. A precedent for quick licensing of leisure radio operators already exists in the Citizens Radio Service. Our VEC experience has been that every applicant qualified by examination for an amateur radio operator license is accepted by the Commission - unless there is a known reason for the applicant not to be licensed. Those extremely few previously licensed undesirable operators can be eliminated by a rule amendment which prohibits unlicensed applicants with previous enforcement sanctions from operating on a temporary basis.

III.

#### CONCLUSION

11. In short, all of the necessary ingredients are already in place to implement this non-substantive procedure. Our daily contact with amateur service applicants, VEs, VECs - and the Commission itself - indicate that everyone will benefit from this amendment and all favor its immediate adoption.

12. The Administrative Procedures Act of 1946 requires that all substantive rule changes be subject to the notice-and-comment procedures. Since the only objective and result of this proposal is to reduce the delay between amateur operator license examination and license issuance and no new operator privileges are accorded, we ask the Commission to dispense with time consuming notice-and-comment rulemaking and to proceed directly to the ordering stage.

Respectfully submitted,

1-10-68